

PROFESSIONAL LICENSURE DIVISION[645]

Notice of Intended Action

Proposing rule making related to continuing education hours and mandatory reporter training and providing an opportunity for public comment

The Board of Behavioral Science hereby proposes to amend Chapter 32, “Continuing Education for Marital and Family Therapists and Mental Health Counselors,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code chapter 272C.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 147.10 and 2019 Iowa Acts, House File 606 and House File 731.

Purpose and Summary

This proposed rule making seeks to implement 2019 Iowa Acts, House File 606, which removes any restriction on the number of continuing education hours a licensee may earn from online sources, and 2019 Iowa Acts, House File 731, which modifies mandatory child abuse and dependent adult abuse identification and reporting training requirements. This rule making also seeks to add a month to the time frame in which licensees can count hours toward license renewal, and it adds a provision for board service to count toward a portion of a licensee’s continuing education requirements.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

A waiver provision is not included in this rule making because all administrative rules of the professional licensure boards in the Professional Licensure Division are subject to the waiver provisions accorded under 645—Chapter 18.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rule making. Written or oral comments in response to this rule making must be received by the Board no later than 4:30 p.m. on November 29, 2019. Comments should be directed to:

Tony Alden
Professional Licensure Division
Iowa Department of Public Health
Lucas State Office Building
321 East 12th Street
Des Moines, Iowa 50319
Phone: 515.281.4401
Fax: 515.281.3121
Email: tony.alden@idph.iowa.gov

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

November 26, 2019
8:30 to 9 a.m.

Fifth Floor Board Conference Room 526
Lucas State Office Building
Des Moines, Iowa

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Board and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Adopt the following **new** definition of "Independent study" in rule **645—32.1(272C)**:

"Independent study" means a continuing education program or activity that a licensee pursues autonomously that includes a posttest and meets the general criteria in subrule 32.3(1).

ITEM 2. Amend subrule 32.2(1) as follows:

32.2(1) The biennial continuing education compliance period shall extend for a ~~two-year~~ 25-month period beginning on ~~October~~ September 1 of the even-numbered year and ending on September 30 of the next even-numbered year. Each biennium, each person who is licensed to practice as a licensee in this state shall be required to complete a minimum of 40 hours of continuing education approved by the board.

ITEM 3. Amend paragraph **32.3(2)“a”** as follows:

a. Attendance at workshops, conferences, symposiums and ~~academic courses webinars~~. ~~Official transcripts indicating successful completion of academic courses which apply to the field of mental health counseling or marital and family therapy, as appropriate, will be necessary in order to receive the following continuing education credits:~~

~~1 academic semester hour = 15 continuing education hours~~

~~1 academic quarter hour = 10 continuing education hours~~

ITEM 4. Adopt the following **new** paragraph **32.3(2)“b”**:

b. Academic courses. Official transcripts indicating successful completion of academic courses which apply to the field of mental health counseling or marital and family therapy, as appropriate, will be necessary in order to receive the following continuing education credits:

1 academic semester hour = 15 continuing education hours

1 academic quarter hour = 10 continuing education hours

ITEM 5. Reletter paragraph **32.3(2)“c”** as **32.3(2)“d.”**

ITEM 6. Adopt the following **new** paragraph **32.3(2)“c”**:

c. Completion of independent study courses that meet the general criteria in subrule 32.3(1).

ITEM 7. Amend relettered paragraph **32.3(2)“d”** as follows:

d. A maximum of 20 hours of continuing education credit may be granted for any of the following activities not to exceed a combined total of 20 hours:

(1) Presenting professional programs which meet the criteria in 645—32.3(272C). Two hours of credit will be awarded for each hour of presentation. A course schedule or brochure must be maintained for audit. Presentation at a professional program does not include teaching class at an institution of higher learning at which the applicant is regularly and primarily employed. Presentations to lay public are excluded.

(2) Scholarly research or other activities, the results of which are published in a recognized professional publication such as a refereed journal, monograph or conference proceedings. The scholarly research must be integrally related to the practice of the professions.

(3) Publication in a refereed journal. The article in a refereed journal for which the licensee is seeking continuing education credit must be integrally related to the practice of the professions.

~~(4) Distance learning conferences or courses will be allowed if the following criteria are met:~~

~~1. The program is offered through electronic transmission.~~

~~2. The program allows for interaction between the presenter and the participants.~~

~~3. The program issues the participants an official transcript, certificate of attendance or verification of successful completion of the course which applies to the field of mental health counseling or marital and family therapy.~~

~~(5) Home study courses will be allowed if the following criteria are met:~~

~~1. The program is recognized by the National Board for Certified Counselors (NBCC) or American Association of Marriage and Family Therapy (AAMFT) or meets all of the criteria in 645—32.3(272C).~~

~~2. An official transcript, verification or certificate of completion is presented after successful completion of the course.~~

~~(6) Viewing multimedia presentations will be allowed if the following criteria are met:~~

~~1. There is a sponsoring group or agency.~~

~~2. There is a facilitator or program official present.~~

~~3. The program official may not be the only attendee.~~

~~4. The program meets all of the criteria in 645—32.3(272C).~~

~~(7) Computer-assisted instructional courses or programs pertaining to the practice of mental health counseling or marital and family therapy will be allowed if the following criteria are met:~~

~~1. The courses and programs are approved by the National Board for Certified Counselors (NBCC) or American Association of Marriage and Family Therapy (AAMFT) or their affiliates or meet all of the criteria in 645—32.3(272C).~~

~~2. An official transcript, certificate of completion, or verification that includes the following information is presented after successful completion of the course:~~

~~● Date course/program was completed.~~

~~● Title of the course/program.~~

~~● Number of course/program continuing education hours.~~

~~● Official signature or verification of the course/program sponsor.~~

~~(8) (4)~~ Teaching in an approved college, university, or graduate school. The licensee may receive credit on a one-time basis for the first offering of the course.

~~(9) (5)~~ Authoring papers, publications, and books. The licensee shall receive five hours of credit per page with a maximum of 20 hours of credit.

~~(6)~~ Serving on a state or national professional board. The licensee shall receive a maximum of three hours of credit.

ITEM 8. Adopt the following **new** paragraphs **32.3(3)“c”** and **“d”**:

c. Effective July 1, 2019, a licensee who regularly examines, attends, counsels or treats adults in Iowa shall complete, within six months of employment or prior to the expiration of a current certification, an initial two-hour course in dependent adult abuse training for mandatory reporters offered by the department of human services. Thereafter, all mandatory reporters shall take a one-hour recertification training every three years, prior to the expiration of a current certification.

d. Effective July 1, 2019, a licensee who regularly examines, attends, counsels or treats children in Iowa shall complete, within six months of employment or prior to the expiration of a current certification,

an initial two-hour course in child abuse training for mandatory reporters offered by the department of human services. Thereafter, all mandatory reporters shall take a one-hour recertification training every three years, prior to the expiration of a current certification.